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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,334	01/29/2004	Robert Lee Angell	END20030132US1	6534
37945	7590	12/27/2007		
DUKE W. YEE YEE AND ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			EXAMINER VEZERIS, JAMES A	
			ART UNIT 4172	PAPER NUMBER
			MAIL DATE 12/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/768,334

**Applicant(s)**

ANGELL, ROBERT LEE

**Examiner**

ANDREW A. VEZERIS

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/29/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-21, 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 1/29/04
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Detailed Action**

#### **Specification Objections**

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### **Claim Rejections-35 U.S.C. 112 2nd Paragraph**

2. Claims 11 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the steps taken to compose the "delta" value. It is a difference between an adjusted data model and an original data model, but the difference in what regard is unclear. Since there are numerous points where a value can be taken it is impossible to know what the applicant intended.
2. Since claim 11 is unclear, claims 10, 22, 11, 23, 12, and 24 will not undergo a prior art search. Doing so would be unfair to the applicant as the examiner might use incorrect art against the claims.

**Claim Rejections- 35 U.S.C. 102(e)**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-9, 13-17, 19-21, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by US PG-Pub 2004/0039548 to Selby et al. (Hereinafter "Selby").

**Regarding Claims 1, 13, 25.**

Selby teaches a method, in a data processing system, for detecting fraud, the method comprising:

receiving a set of historical data; (See Fig 1 Paragraph 21)

identifying a plurality of control points in the historical data; (See Paragraph 22)

providing at least one data model based on the plurality of control points;

(Paragraph 23)

receiving a set of updated data; (Paragraph 21)

identifying one or more new control points based on the updated data;

(Paragraph 22)

adjusting the at least one data model based on the one or more new control points; (Paragraph 23)

verifying a transaction based on the adjusted data model. (Paragraph 23)

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**Regarding Claim 2, 14.**

Shelby further teaches the historical data includes at least one of demographic data, psychographic data, transactional data, and environmental data. (See Paragraph 16)

**Regarding Claim 3, 15.**

Shelby further teaches identifying a plurality of control points includes: identifying a plurality of outliers in a distribution of the historical data; (Paragraph 23)

validating the plurality of outliers; (Paragraph 23)

categorizing the plurality of outliers as valid or invalid. (Paragraph 23)

**Regarding Claim 4, 16.**

Shelby further teaches the control points are valid outliers. (Paragraph 23)

**Regarding Claim 5, 17.**

Shelby further teaches the control points are invalid outliers. (Paragraph 23)

**Regarding Claim 7, 19.**

Shelby further teaches the updated data includes at least one of demographic data, psychographic data, transactional data, and environmental data. (See Paragraph 16)

**Regarding Claim 8, 20.**

Shelby further teaches adjusting the data model includes adding the one or more new control points to the data model. (Paragraph 22)

**Regarding Claim 9, 21.**

Shelby further teaches adjusting the data model includes changing one or more of the plurality of control points to the one or more new control points in the data model. (See Paragraph 16)

**Claim Rejections- 35 U.S.C. 103(a)**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelby in view of Official Notice.

**7. Regarding Claim 6, 18.**

Shelby further teaches the at least one data model includes a fence that passes through the plurality of control points, wherein data points within the fence represent acceptable behavior and data points outside the fence represent unacceptable behavior. (See Fig 2, Paragraph 26) Examiner notes that the fence, created in Shelby, indicates the averages of all points, which passes through the various control points. Official Notice is taken that since the invention in Shelby is capable of graphing, it would be obvious for the system to easily be customized to connect the furthest valid outliers to show a threshold. Line plotting has been around for a extremely long time.

There is motivation to combine Shelby with official notice because by showing the plotted lines allows for easier recognition of fraudulent, increasing the likelihood that

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they are caught, increasing the chances that the company will start to lose less money do to fraud.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Vezzeris whose telephone number is (571)270-1580. The examiner can normally be reached on Monday-alt. Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naeem Haq/  
Primary Examiner, Art Unit 4172

/JAMES A VEZERIS/  
Examiner, Art Unit 4172

12/17/2007